

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**Re: ECF Nos. 185, 1881, 1885,
1933**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO,

Debtor.

PROMESA
Title III

No. 17 BK 3283-LTS

**This Response relates only to
the Commonwealth and shall
only be filed in the lead Case No. 17
BK 3283-LTS.**

**COMMONWEALTH OF PUERTO RICO'S RESPONSE TO OPPOSITION FILED BY
JAVIER MANDRY MERCADO TO MOTION FOR AN ORDER AUTHORIZING
ASSUMPTION OF AGREEMENT WITH EDUARDO MANDRY MERCADO AND
LUCÍA CASA CASAL PURSUANT TO BANKRUPTCY CODE SECTION 365**

To the Honorable United States District Court Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Commonwealth”), as a Title III debtor, by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight”

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Board”), as the Debtors’ representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² respectfully submits this response to the *Motion in Opposition to Petition (Docket 1881)* and in *Response to Order (Docket 1885)* [ECF No. 1933] (the “Opposition”), filed by Javier Mandry Mercado (“Movant”). In support of this response, the Commonwealth respectfully represents as follows:

RESPONSE

12. While the Opposition does not challenge the Commonwealth’s business judgment regarding the proposed assumption of that certain Assignment of Usufruct Agreement dated August 11, 2016 (the “Agreement”) by and between Eduardo José Mandry Mercado and Lucía Casas Casal and the Puerto Rico Police Department as set forth in the *Commonwealth of Puerto Rico’s Motion for an Order Authorizing Assumption of Agreement with Eduardo José Mandry Mercado and Lucía Casas Casal Pursuant to Bankruptcy Code Section 365* [ECF No. 1881] (the “Assumption Motion”), after reviewing the Opposition, the Commonwealth does not object to an adjournment of the December 20, 2017 hearing to consider the Assumption Motion and agrees that such matter may be heard at the February 7, 2018 omnibus hearing, if necessary. It is the Commonwealth’s understanding that Movant cannot attend the December 20, 2017 hearing due to personal circumstances and the Commonwealth would like to resolve this matter consensually and without using valuable resources of the Court. It is the Commonwealth’s hope that Movant and the Commonwealth can reach a consensual resolution on this matter prior to the February 7, 2018 omnibus hearing. In furtherance of such goal, the Commonwealth will provide Movant with the information he requests in his Opposition as soon as reasonably practicable.

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

CONCLUSION

13. For the foregoing reasons, the Commonwealth consents to Movant's request to adjourn the hearing to consider the Assumption Motion to the omnibus hearing scheduled for February 7, 2018.

Dated: December 13, 2017
San Juan, Puerto Rico

Respectfully submitted,

/s/ Martin J. Bienenstock

Martin J. Bienenstock (*pro hac vice*)
Paul V. Possinger (*pro hac vice*)
Ehud Barak (*pro hac vice*)
Maja Zerjal (*pro hac vice*)
PROSKAUER ROSE LLP
Eleven Times Square
New York, NY 10036
Tel: (212) 969-3000
Fax: (212) 969-2900

*Attorneys for the Financial Oversight and
Management Board as Representative for the
Commonwealth*

/s/ Hermann D. Bauer

Hermann D. Bauer
USDC No. 215205
O'NEILL & BORGES LLC
250 Muñoz Rivera Ave., Suite 800
San Juan, PR 00918-1813
Tel: (787) 764-8181
Fax: (787) 753-8944

*Co-Attorneys for the Financial Oversight and
Management Board as Representative for the
Commonwealth*